

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00680/ANM

CASE OFFICER

Rosalind Gralton

DETERMINATION DATE 08.08.2024

Address: Land At South Heywood Off Hareshill Road West Of Junction 19 Of The M62, Heywood

Proposal: Application for non-material amendment to planning permission (16/01399/HYBR) for amendments to the positioning of the plots 53, 54, 55, 56, 57, 58, 59 and 60

PUBLICITY	Weekly list expired?	Y	Site notice expired?	NA
	Neighbour letters expired?	NA	Press Notice expired?	NA

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	NA
	Neighbour comments received?	NA

EIA	Screening opinion completed and saved to Onbase?	NA
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION

GRANT subject to conditions

CHECKED AND SIGNED OFF BY: RG

DATE: 8 August 2024

SITE

The site relates to the South Heywood Junction 19 development. This application relates specifically to the parcel known as Residential Phase 6 to which the reserved matters permission 20/01524/REM and 16/01399/HYBR applies. This parcel is centred around Hareshill Road running east-west across the site whilst Manchester Road bounds the site to the south.

PROPOSAL

This Section 96A application seeks amendments as follows:

- ② Amendment to Plots 53, 54, 55, 56, 57, 58, 59 and 60 to reflect the adopted highway boundary and amend the plot shape to the rear.
- ② Additional turning area to south east of plots 49

No other amendments are sought.

RELEVANT PLANNING POLICY

Legislation

Town and Country Planning Act 1990 – Part III Section 96A

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

16/01399/HYBR - Part full/part outline planning application for the development of land at South Heywood, including the demolition of a number of existing on-site buildings and structures. Full consent sought for the construction of a new link road between Junction 19 of the M62 and Pilsworth Road, the widening of part of Pilsworth Road, together with associated junction improvements, landscaping, lighting and other works including the importation of material and engineering works in order to construct the link road. Outline consent (with all matters reserved for future approval except access) sought for a major mixed-use development comprising supporting residential uses comprising up to 1000 dwellings (Class C3); employment uses (Classes B2/B8) comprising up to 135,460m² Gross Internal Area(GIA); a new primary school (Class D1); Class A1/A2/A3/A5 uses comprising up to 2500m² GIA which includes no more than 499m² of A1 uses; together with associated landscaping, open space and sports pitches, drainage, ecological enhancements, cycleway and footpath linkages, infrastructure and other works ancillary thereto. (Application accompanied by an Environmental Statement) – Approved

A number of further Non Material Amendments have been approved to 16/01399/HYBR however it is not considered necessary to repeat each of these in the context of this application.

23/00815/ANM - Application for non-material amendment to planning permission 20/01524/REM for amendments to shared surfaces, introduction of a turning head, relocation of plots, alterations to boundary treatment, alterations to landscaping plan, plot substitutions and minor alterations to elevations and floorplans. - Approved

22/00924/ANM - Application for non-material amendment to planning permission 20/01524/REM comprising amended Boundary Treatment Layout and Condition 1 wording - Approved

20/01524/REM - Reserved Matters Approval for appearance, landscaping, layout and scale (with access already approved for 64 dwellings and associated works pursuant to Hybrid Permission 16/01399/HBYR - Approved

CONSULTATION RESPONSES

Not applicable.

REPRESENTATIONS

In line with the Council's code of publicity for this level of application, no letters of notification were issued.

ANALYSIS

Paragraph 002 to section 17a of the National Planning Practice Guidance (NPPG) states that:

'There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990'.

Therefore, the purpose of the application is to seek the Council's determination as to whether the changes to the previously approved details are sufficiently material in their nature and in the context of the approved development so as to require a fresh planning permission or not. Non-material amendment applications are not an application for planning permission, do not result in the issuing of a new planning permission and relate only to the amendments sought.

Paragraph 008 to section 17a of the NPPG states that in making decisions on non-material amendment applications, the local planning authority should take into account:

'the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.'

Paragraph 011 to section 17a of the NPPG states that the issuing of an approval for a non-material amendment application:

'...only relates to the non-material amendments sought and the notice of the decision should describe these. It is not a reissue of the original planning permission, which still stands. The two documents should be read together.'

Section 96A of the Town and Country Planning Act 1990 also allows for new conditions to be imposed, or existing conditions to be removed or altered in the issuing of a decision for a non-material amendment application.

Assessment of NMA

In relation to the change to the layout and the introduction of a turning area, this is proposed to meet the requests of Building Regulations for access by fire services.

Whilst the turning head would protrude into an area of landscaped open space, it is accepted that this is a small area of land and subject to the implementation of the landscaping proposals which have been amended to respond to this addition, the overall impact of this change would not be material.

The proposed changes to the positioning and boundaries of plots 53, 54, 55, 56, 57, 58, 59 and 60 reflects the alignment of the highway adoption and result in no change that is considered to have a notable impact. As such this amendment is considered non-material.

The effects of the proposed amendments in isolation and cumulatively, together with the previously approved non-material amendment, would not materially alter the development's impact and therefore it constitutes a non-material amendment to the original planning permission for the purposes of Section 96A of the Town and Country Planning Act 1990.

RECOMMENDATION

It is therefore considered and accepted that the amendments proposed can be treated as a non-material amendment.

Notes for Applicant:

Amended Condition 1

This approval relates to the plans and documents as listed below:

- 19105 HT01 K Harper Floor Plans and Elevations (02/2022) (Submitted 17/03/2022)
- 19105 HT02 K Talbot Floor Plans and Elevations (02/2022) (Submitted 17/03/2022)
- 19105 HT03 K Roberts Floor Plans and Elevations (02/2022) (Submitted 17/03/2022)
- 19105 HT04 Garage Floor Plans and Elevations (02/2022) (Submitted 17/03/2022)
- 19105 HT05 K Worrall Floor Plans and Elevations (02/2022) (Submitted 17/03/2022)
- 19105 HT06 M Cromwell Floor Plans and Elevations (09/2023)
- 19105 HT07 K Kenyon Floor Plans and Elevations (02/2022) (Submitted 17/03/2022)
- 19105 HT10 K Eccleston Floor Plans and Elevations (02/2022) (Submitted 17/03/2022)
- 19105 HT11 K Millward Floor Plans and Elevations (02/2022) (Submitted 17/03/2022)
- 19105 HT12 K Bower Floor Plans and Elevations (02/2022) (Submitted 17/03/2022)
- 19105 HT 13P M Renshaw Floor Plans (31/08/2023)
- 19105 HT 13E M Renshaw Elevations (31/08/2023)

- 19105 HT 14P M Renshaw 3 Floor Plans (31/08/2023)
- 19105 HT 14E M Renshaw 3 Elevations (31/08/2023)
- 19105 03 U Boundary Treatment Layout (12/07/2024)
- 19105 04 B Boundary Treatment Details (12/07/2024)
- 19105 02 P35 Presentation Layout (21/06/2024)
- 19105 01 P35 Planning Layout (12/07/2024)
- 19105 07 Finished Floor Level Plan (24/03/2022)
- 3433 101 Landscape Layout Rev V (03/07/2024)
- 3433 201 Planting Plan Sheet 1 of 3 Rev O (12/07/2024)
- 3433 202 Planting Plan Sheet 2 of 3 Rev O (12/07/2024)
- 3433 203 Planting Plan Sheet 3 of 3 Rev P (17/06/2024)
- J000010-01-TP02B Residential Travel Plan - Phase 6 (December 2020)
- Crime Impact Statement v1.0 (December 2020)
- Landscape Management Plan Rev. A (November 21)(submitted 21.11.21)

The development shall be carried out in complete accordance with the drawings/documents hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

INFORMATIVE:

This decision notice is to be read alongside that issued with reserved matters planning permission 20/01524/REM as amended by 23/00815/ANM and 22/00924/ANM alongside, hybrid permission 16/01399/HYBR and associated non-material amendments. All conditions that were imposed on the previous planning permission remain with the exception of those amended by non-material amendments.